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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 2 August 2000, at 10 a.m.

Chairperson: Ms. MOTOC

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GE.00-14581 (E)

The meeting was called to order at 10.05 a.m.

METHODS OF WORK OF THE SUB-COMMISSION (agenda item 1 (c)) (continued) (E/CN.4/2000/112; E/CN.4/Sub.2/1999/47)

1. The CHAIRPERSON invited the members of the Sub-Commission to continue their general discussion of agenda item 1 (c) concerning the methods of work of the Sub-Commission. She read out the following text proposed by the Bureau concerning the presentation of the general debate on agenda item 2, which would be brought to the attention of the Commission on Human Rights:

> "In connection with the implementation of Commission on Human Rights decision 2000/109 and the appropriate parts of the report of the Working Group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights (E/CN.4/2000/112, paras. 51-53), the Bureau agreed with a proposal that the report of the Sub-Commission on its present session should include an annex containing a description of Sub-Commission discussions on violations of human rights in specific countries. The task of drafting such a document will be entrusted to the Rapporteur of the Sub-Commission who will prepare it on the basis of relevant summary records of Sub-Commission meetings devoted to the consideration of agenda item 2."

2. She suggested that the discussion of agenda item 1 (c) be suspended at 11 a.m. so that the Sub-Commission could move on to agenda item 2.

3. Mr. ALFONSO MARTÍNEZ said that he agreed that the discussion should be suspended but not closed.

4. Mr. KARTASHKIN said he thought a decision should be taken on agenda item 1 (c) before moving on to agenda item 2. He could not give the text proposed by the Bureau his unreserved support because, in his view, it did not properly reflect the way in which agenda item 2 should be addressed.

5. Mr. JOINET recommended that the discussion of agenda item 1 (c) be suspended so that the discussion of agenda item 2 could begin. The members of the Sub-Commission could have an exchange of views during the lunch break on the text proposed by the Bureau.

6. Mr. BENGOA said that Mr. Joinet's proposal would be reasonable if there was a long list of speakers on agenda item 2.

7. The CHAIRPERSON said that 31 representatives of non-governmental organizations (NGOs) and 16 representatives of Governments were scheduled to speak.

8. Mr. FAN Guoxiang thanked the Bureau for its proposal but said it raised a great number of difficulties. It was difficult to reflect complex issues in such a short text. He proposed retaining the first part of the Bureau's text, deleting the reference to an annex and specifying that, in the case of agenda item 2, the summary records of the discussion on the item would be the only material transmitted to the Commission.

9. Mr. EIDE expressed support for Mr. Joinet's proposal, given the large number of NGOs scheduled to speak on agenda item 2. The question of the Sub-Commission's report on that item had always given rise to debate. The report on the current session should be simple, summarizing the views of members in an annex. He therefore supported the Bureau's text, especially the reference to the summary records. Under the circumstances, long discussions on the subject would serve no purpose and it was preferable to move on as rapidly as possible to agenda item 2.

10. Mr. KARTASHKIN said he noted that the Working Group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights merely indicated, in paragraph 52 of its report, that the Sub-Commission's discussions "would be reflected in the summary records of the debate". There was no mention of an annex or any other type of document. The summary records would reflect the different views expressed. He therefore proposed the deletion from the Bureau's text of the words "an annex containing a description of Sub-Commission discussions" and their replacement by "a balanced description of the Sub-Commission's discussions".

11. Mr. ALFONSO MARTÍNEZ said he was unable to support the proposal by Mr. Joinet and Mr. Bengoa to move immediately to the consideration of agenda item 2 and to hold informal consultations on the Bureau's proposal. A public discussion of the matter was necessary and the debate should continue until 11 a.m.

12. Mrs. WARZAZI asked the Secretariat whether summary records of the Sub-Commission's proceedings were still prepared.

13. The CHAIRPERSON said that such records were indeed prepared.

14. Mr. YIMER thanked the Bureau for its proposal but said he felt it did not comply with the Commission's request. Paragraph 52 of the Working Group's report clearly indicated that the Sub-Commission's discussions should be given full coverage in summary records, which the Commission invited the Sub-Commission to forward to it. Nothing more. The idea of preparing an annex was not in keeping with the Commission's decision. The text proposed by the Bureau was therefore unacceptable and should be amended.

15. Mr. PINHEIRO said that the Bureau's text faithfully reflected the practice of the Sub-Commission, which had been reviewing serious violations of human rights in all countries for 33 years, and was in conformity with the wishes of the Commission as set forth in paragraph 52 of document E/CN.4/2000/112. He was therefore in favour of an immediate suspension of the discussion on that item and of moving on to agenda item 2, on the understanding that the text proposed by the Bureau could be discussed again at a later stage.

16. Mr. EIDE said that, although the Sub-Commission was no longer authorized to adopt country-specific resolutions, it was still competent to decide on the structure of its report to the Commission.

17. Ms. HAMPSON expressed support for a suspension of the discussion of agenda item 1 (c). She did not agree with the members who opposed the preparation of an annex

because there was nothing in the Commission document mentioned that prohibited it. Moreover, the Commission had issued no instruction about the structure of the report on agenda item 2. While the Sub-Commission could no longer adopt country-specific resolutions, there was nothing to prevent it from reporting on its discussions on the matter in whatever way it chose. She therefore supported the Bureau's proposal, which she found a balanced one.

18. Mr. JOINET asked the Secretariat to distribute to the members of the Sub-Commission the text of Commission resolution 8 (XXIII) of 16 March 1967, which constituted the frame of reference for the Sub-Commission's work and which had not been amended by the Commission. The Commission's new recommendations concerning the Sub-Commission's work on agenda item 2 should be interpreted exclusively in the light of that document.

19. In his view, the text proposed by the Bureau was a moderate one and a proper response to the Commission's statement that "there could be a loss in human rights terms if the Sub-Commission were unable to give any consideration to specific country situations". The principles underlying the Sub-Commission's mandate were not therefore being questioned; it was only the manner of their implementation that had been modified.

20. Mr. PARK said he was in favour of suspending the discussion at 11 a.m. so that agenda item 2 could be taken up as soon as possible. He also supported the text proposed by the Bureau, which he considered to be a balanced one.

21. Mr. RODRÍGUEZ CUADROS said he supported the text proposed by the Bureau. In his view, it was clear from paragraphs 52 and 53 of the Working Group's report that the Commission recommended that the Sub-Commission should continue to discuss the human rights situation in certain countries. It was equally clear that the discussions could not give rise to resolutions but would be reflected in the summary records. Lastly, the Commission established a general framework for the discussion of specific country situations but made no comment on the structure of the Sub-Commission's report, which was therefore the Sub-Commission's responsibility.

22. Mr. YIMER said that the recommendation of the Working Group as adopted by the Commission was quite clear: the Sub-Commission's deliberations should be reflected in the summary records, which should continue to be forwarded to the Commission. No additional analytical or interpretative work on the part of the Rapporteur was envisaged.

23. Mrs. DAES, expressing support for comments made, inter alia, by Mr. Eide, Ms. Hampson and Mr. Joinet, said that nothing in the text of paragraph 52 of the report of the Working Group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights prevented the Sub-Commission from structuring its report as it deemed fit. The Sub-Commission could decide to attach an annex to its report detailing the debate on country-specific human rights violations. On an exceptional basis, it would be desirable for summary records on those issues to be produced in extenso.

24. Mr. KARTASHKIN, speaking on a point of order, suggested that the Sub-Commission should request the Chairman of the Commission on Human Rights to clarify the Commission's decision on the issue.

25. Mr. ALFONSO MARTÍNEZ said that he could not support the Bureau's proposal, for three reasons. Firstly, the proposal departed too much from the precise instructions provided by the Commission in paragraph 52 of the Working Group's report. Secondly, the Bureau's proposal did not reflect a further point made in that paragraph, namely, the possibility that the Sub-Commission might continue to discuss situations not being dealt with in the Commission. His third objection concerned the extremely heavy extra workload which would fall to the Sub-Commission's Rapporteur if the latter was to be entrusted with the task of summarizing the debates on item 2.

26. Mr. SIK YUEN said that it would be particularly helpful for the Sub-Commission to have at its disposal an annex to the report containing a well-structured text in which no names would appear, and which would reflect all the points of view expressed during the debate. In case of any difficulty, it would always be possible to refer back to the summary records. It would be helpful if the Sub-Commission could entrust the drafting of such an annex to the Rapporteur.

27. Mrs. WARZAZI suggested that, in the text proposed by the Bureau, a compromise formula be inserted after the words "the report of the Sub-Commission on its present session should include" to read: "in an extended equilibrated summary record of the Sub-Commission a description of Sub-Commission discussions on violations of human rights under item 2. This extended summary record will be prepared by the Rapporteur of the Sub-Commission and circulated among all members before its adoption".

28. Mr. GOONESEKERE (Rapporteur) said that he shared Mr. Alfonso Martinez's concern about the additional workload that it was proposed to entrust to him. Given that there was a consensus regarding the need for a summary record of the discussions on agenda item 2, it remained to be decided how it would be produced, and whether it would appear in the body of the report or as an annex. The Rapporteur could do no more than to read through the summary records and modify them, if necessary, to ensure that they faithfully reflected the debate.

29. Mr. JOINET said that he saw no reason why the summary record of the debate should not form part of the body of the report under item 2 of the agenda. However, for historical reasons, it had been decided that the central part of the Sub-Commission's report should be of a procedural nature; the question under consideration was, however, a substantive one, since the Sub-Commission was required to submit information on the question of the violation of human rights and fundamental freedoms to the Commission. If the Sub-Commission contented itself with merely submitting a few lines to the Commission on so vital a question, its work would become meaningless and he himself would refrain from taking the floor on the issue. As for the summary records, they reflected the entirety of the debate and included all the speakers. However, it was only the 26 members of the Sub-Commission who had the mandate of reporting to the Commission.

30. Mr. OGURTSOV said that the most rational solution would be to adopt Mrs. Warzazi's proposal.

31. Mrs. WARZAZI proposed that the meeting to be held by the Bureau concerning the description of the general debate on item 2 of the agenda should be an open one and include all persons interested in the question, so that a compromise formula might be quickly reached.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 2) (E/CN.4/Sub.2/2000/4-8, 35, 36, 38 and 39; E/CN.4/Sub.2/2000/NGO/1 and 2; E/CN.4/2000/30)

32. The CHAIRPERSON reminded the observers for Governments that, in their statements, they must not refer to the situation of human rights in countries other than their own.

33. Ms. PETROULA (International Federation of Human Rights Leagues) urged the Sub-Commission to respond to the violations of human rights in Congo-Brazzaville, Algeria, Tunisia and Chechnya.

34. Following a request by the Congolese Observatory for Human Rights, her organization had sent an international mission of inquiry to Congo-Brazzaville. The inquiry had revealed the country's police force to be an oppressive and repressive machine; conditions of detention, extrajudicial executions and disappearances were also matters for concern. The Government had, indeed, made efforts, but there would be no true stability in the country until permanent institutions were established and the perpetrators of violations were brought to justice.

35. Her organization had also sent an international mission to Algeria, at the invitation of President Bouteflika. It deplored the persistence of serious and systematic human rights violations in that country. Enforced disappearances were common and their number often underestimated. Moreover, the judiciary was still under State control. Civil freedoms were not respected, and the situation was exacerbated further by the state of emergency in force since January 1992.

36. In Tunisia, the human rights situation was also difficult. Human rights defenders were subjected to police harassment, or to deportation in the case of foreigners.

37. Lastly, with respect to Chechnya, her organization wished to stress the massive, generalized and systematic nature of the violations of human rights and international humanitarian law perpetrated against the civilian population. The Russian forces continued their pillaging and mopping-up operations, which resulted in arbitrary arrests, the victims not being accorded legal protection of any kind. She urged the Sub-Commission to monitor the evolution of the situation in Chechnya and to draw conclusions from the failure of the Government of the Russian Federation to meet the commitments it had undertaken.

38. Mr. SHARAFEDDIN (International Organization for the Elimination of All Forms of Racial Discrimination) said that it was unacceptable that a law as discriminatory as the law of return adopted by Israel could have been promulgated, in that it allowed any Jew, whatever his or her citizenship, to settle in Palestine and denied Palestinians the right to return to their own homes and to recover their property, merely on the grounds that they were not Jewish. The Jewish members of his own organization made no secret of their uneasiness over such a discriminatory law.

39. A further example of discrimination was the insistence of the United States on maintaining the unjust embargo it had imposed on the Iraqis in the framework of a policy of hatred and vengeance towards the country. Humanity ought to be ashamed to allow a continuance of that embargo which was causing the deaths of thousands of Iraqi mothers and children because of the lack of food and health care.

40. With regard to Muslim countries, the United States failed to comply with Security Council resolutions, such as resolution 242 concerning the frontiers of Israel. The Charter of the United Nations and the rules of international law must be duly respected; his colleagues in other NGOs should urge that an end be put to situations of the kind he had described.

41. Mr. DARMI (Netherlands Organization for International Development Cooperation, NOVIB), referring to the human rights situation in Indonesia, said that, although that country had experienced many changes during the past year and was heading towards democracy and respect for human rights, much remained to be done. The Moluccas, and, more recently, Sulawesi, had seen unprecedented violence, while serious human rights violations continued to be committed by military forces in Aceh and West Papua. Cases of arbitrary detention, torture, disappearances, rape and other human rights violations were widespread in Aceh.

42. In the Moluccas, where a state of emergency had been proclaimed on 26 June 2000, there had been thousands of killings and over a million people had been displaced, including many unarmed civilians. The ongoing conflict had made it extremely difficult to bring humanitarian assistance to the region's inhabitants.

43. Despite the commitments undertaken by the Indonesian Government, de facto impunity prevailed. The Indonesian Government should investigate human rights violations so that impunity and injustice might be ended and compensation accorded to the victims. Legal reform involving the incorporation of international standards was necessary, as was implementation at the national level. In relation to East Timor, where massive violations had been committed, the parliament had yet to adopt legislation to establish a national tribunal.

44. Indonesia should be pressurized to start implementing the conventions it had ratified, particularly the Convention against Torture. The country should also implement the recommendations made by the Special Rapporteur on violence against women and the Working Group on Arbitrary Detention. Moreover, the Government would do well to invite the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Indonesia. With regard to the reform of the judiciary, the Special Rapporteur on the independence of judges and lawyers should also be invited to visit the country. Lastly, Indonesia should intensify its technical cooperation programme with the Office of the High Commissioner for Human Rights.

45. Mrs. WARZAZI said that, although human rights were currently recognized by an overwhelming majority of States, they were being respected less and less in practice, even in States which claimed to champion them. Violence was breaking out everywhere without anyone attempting to prevent it, refugees were constantly growing in number and, what was worse, being exploited, particularly the women. The great Powers day by day resorted to bombardments with utter impunity. Mr. Mandela had rightly accused London and Washington,

in an article published in the Guardian in April 2000, of encouraging world disruption, ignoring the positions of other States and deeming themselves entitled to play the role of world policeman without the sanction of the Security Council.

46. Furthermore, as stated in the report of the United Nations Development Programme (UNDP) of the previous June, the enjoyment of human rights could not be confined to rich countries, and the right of not being hungry was just as much a right as that of not being tortured. In other words, economic, social and cultural rights were of crucial importance. As Mr. Matsuura, the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), had recalled at the World Education Forum in Dakar, it was not normal to expect certain countries to restructure their economies at the cost of education.

47. Globalization was causing havoc in the developing countries and accentuating inequalities. In such conditions peace was impossible. The United Nations Secretary-General, in his report on globalization and interdependence, had himself recognized that the costs of globalization outweighed its advantages for a large number of developing countries, the latter should not be saddled with models which were alien to them. Like the author of La mondialisation sauvage, Bruno Lempen, she thought that a thorough overhaul of international organization was needed, involving the establishment of thoughtful dialectic between international civil society and the existing inter-State institutions. It was heartening to note that, despite the diversity of their campaigns, NGOs were finding themselves on common fronts, engaging in dialogue and providing reasons for confidence in the future of human rights.

48. Mr. PINHEIRO, reverting to the subject of summary records, pointed out to the members of the Sub-Commission that the summary records at the previous session of the Sub-Commission's deliberations on agenda item 2 filled no less than 52 pages.

49. With regard to decisions taken at the previous session concerning certain countries, he proposed that the Sub-Commission should keep in touch with any follow-up thereto and should invite Government observers and NGO representatives present at the session to provide clarification or further information.

50. The previous year, the Sub-Commission had welcomed the announcement, by the representative of the Government of Belarus, that the Working Group on Arbitrary Detention and the Special Rapporteur on the independence of judges and lawyers would be invited to Belarus. The Belarus mission had also announced that its Government would withdraw its reservations to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Sub-Commission had not yet received information on the steps taken pursuant to those statements.

51. He noted with satisfaction that Mrs. Daes, Chairperson of the Working Group on Indigenous Populations, who had been invited to Mexico, had visited that country during the current year.

52. He noted with satisfaction that the Secretary-General had submitted a very full report (E/CN.4/2000/30) on the situation of human rights in the Republic of the Congo, in response to the request made to him by the Sub-Commission in its resolution on that country. The

Secretary-General had also submitted a detailed report on the continuing of obligations under international human rights instruments, as requested by the Sub-Commission in its relevant resolution. The High Commissioner, for her part, had prepared a report on the security situation of certain human rights defenders (E/CN.4/Sub.2/2000/5), in response to the Sub-Commission's request in its resolution on violations of the rights of human rights defenders in all countries.

53. Referring to the death penalty in relation to juvenile offenders, he welcomed the inquiry currently being undertaken by the United Nations Centre for International Crime Prevention, at Vienna, by means of a questionnaire addressed to Governments.

54. The statement on Togo by the Chairperson of the Sub-Commission, and the Sub-Commission's deliberations on the topic, had been provided with firm continuity through the establishment of an international commission of inquiry, of which he himself was a member. The other two members, Mr. Abakar and Mr. Souna, were present at the Sub-Commission's current session. He therefore requested the Chairperson and members to grant the floor to Mr. Abakar so that he could make a brief statement on the current stage of the commission's work.

55. The CHAIRPERSON said that she saw no difficulty in doing so.

56. Mr. ALFONSO MARTÍNEZ said he objected on the grounds that such authorization might create an awkward precedent, the more so as the Sub-Commission was under pressure to limit the time allowed for speakers.

57. Mr. PINHEIRO, speaking on a point of order, said he took the liberty of making the request because he had not used up his own allotted time, the remainder of which he felt would amply suffice for the brief statement Mr. Abakar wished to make.

58. Mr. ALFONSO MARTÍNEZ said it was out of order for a non-member of the Sub-Commission to take the floor in the context of a member's statement. He would have no difficulty, however, in having the statement delivered at another time, should the Sub-Commission decide to grant the floor.

59. Mr. JOINET, supported by Mr. EIDE, said that the question of when a non-member actually took the floor was irrelevant, and that it would be more logical to hear the statement at once.

60. Mr. ALFONSO MARTÍNEZ insisted that such authorization should be granted only as an exception.

61. The CHAIRPERSON gave the floor to the Chairman of the international commission of inquiry on Togo.

62. Mr. ABAKAR (Chairman of the international commission of inquiry on Togo), supplementing the information provided by Mr. Pinheiro, said that the commission of inquiry planned to meet from 31 July to 4 August 2000, it had considered the way in which it should proceed, had adopted rules of procedure and would begin its inquiries around 10 September 2000.

63. Mr. GUISSE said that many developing countries, whose peoples were already struggling to survive because of food and health-care shortages, were the theatre of armed conflict, made worse by the proliferation of weapons with a high capacity of destruction. Africa, in particular, faced the problem of insecurity and instability because of the ravages of armed bands. Of the weapons used in such conflicts, some 85 per cent were manufactured by the five Powers which sat in the Security Council. In the absence of any regulations governing the production, supply and use of such weapons, appropriate legislation would be required. Every nation had a right to peace, and that peace must be based on freedom, equality and justice - principles which often remained a dead letter. The people of Zimbabwe provided a case in point; with the dismantling of the apartheid system, the inhabitants of Zimbabwe had been promised restitution of their stolen property. Twenty years later, they were still calling fruitlessly for restitution or, rather, for the legal redistribution of land. The problem should be speedily and peacefully settled in an equitable way.

64. The United Nations Secretary-General had stated, in a recent report, that the responsibility of the international community and certain States had been recognized in respect of the genocide in Rwanda and Burundi. He wondered whether that acknowledgement would lead to compensation for victims or whether it was a mere comment.

65. Lastly, efforts should be made to bring the benefits of scientific and technological advances to the least advantaged countries also. Peace and democracy could never really prevail in the conditions of poverty in which some peoples currently lived.

66. Mr. YOKOTA said that there was a current "humanization" of international relations in the sense that the real driving force was no longer the nation State, greedy for territorial conquest and unleashing war, but the world's peoples. Through the United Nations, whose Charter began with the words "We the peoples of the United Nations", the peoples had taken their destiny into their own hands. That was not to say that States no longer had a role to play and would disappear, but rather that their function had changed to that of henceforth caring for their citizens' well-being. Thus, States were obliged firstly to promote and protect human rights - to begin with, by preventing their violation. The scope of prevention included human rights training for those responsible for law enforcement, for civil service personnel and for members of the armed forces, and involved the alignment of domestic legislation with international human rights standards. States were likewise obliged to respect all persons' basic rights and freedoms without distinction based on nationality, sex, social or ethnic origin or religious beliefs. If States failed to stop human rights violations, whether by individuals or groups, on their territory, including those committed by private companies or transnational corporations, they were committing a serious offence. It followed naturally that States had an obligation to punish violations and bring their perpetrators to justice; it was regrettable, in that regard, that many violations remained unpunished. The State also had the duty to compensate the victims of violations when it had been responsible for them; it should likewise provide the requisite victim support even when it had not been directly responsible.

67. Some might object that too much was being asked of States but, unless the latter complied with those obligations, they could no longer justify their existence.

68. Mr. PARY (Indian Movement "Tupaj Amaru") said that the deep wounds inflicted on the Serb people by NATO forces a year-and-a-half earlier had not yet healed and the Western Powers continued their military occupation of Kosovo, transforming the province into a protectorate reminiscent of colonial times, without, however, finding a solution to the refugee problem.

69. The instigators of the acts in breach of international conventions that had been committed during the aggression against the sovereign State of Yugoslavia, including the destruction of the Serb television station, the attack on the Chinese Embassy, the bombing of a column of Kosovar refugees of Albanian origin and the use of missiles containing depleted uranium, must be brought to trial and punished in exemplary fashion by the international courts.

70. In the Middle East, the very heavy sanctions imposed on Iraq for 10 years by the implacable will of the United States condemned the Iraqi people to a slow death, as witnessed by the reports of the International Committee of the Red Cross (ICRC) and officials of the United Nations Humanitarian Programme in Iraq and UNESCO. Security Council resolution 986, on "oil-for-food", had not made it possible to remedy the consequences of the war and the economic sanctions.

71. The international community should no longer tolerate attempts by an economic and military Power to discipline small countries like Iraq and Cuba and to condemn their people to humiliation, hunger and sickness. His organization therefore asked that the embargoes on Iraq, Cuba and the Democratic People's Republic of Korea be lifted immediately and unconditionally.

72. Mr. DIAZ DE JESUS (International Indian Treaty Council) said that, despite the adoption by the Sub-Commission of resolution 1998/4, gross and systematic violations of human rights continued to take place in Mexico. Moreover, the perpetrators of the massacres in Aguas Blancas, State of Guerrero, on 28 June 1995, Acteal, State of Chiapas, on 22 December 1997, carried out by paramilitary groups, and El Charco, State of Guerrero, on 11 June 1998, carried out by the Mexican army, had still not been prosecuted.

73. Many indigenous people, mainly women, had been sterilized against their will by an organization working for the Mexican State. Such an act contravened article II of the Convention on the Prevention and Punishment of the Crime of Genocide.

74. In the San Quintin valley, Baja California, indigenous people, including pregnant women and children, were employed on farms in conditions of near slavery and with no protection against dangerous chemicals. The Sub-Commission was asked to investigate that situation.

75. It was also a cause of great concern that the San Andrés accords, signed on 16 February 1996 by the Zapatista National Liberation Army (CEZLN)and the Mexican Government, particularly the provisions on indigenous rights and culture, had not been implemented.

76. His organization requested the Sub-Commission to urge the Mexican authorities to release political prisoners and to shed a light on what had happened to the detainees who had disappeared, to ensure that the perpetrators of human rights violations were tried and punished

and to do all in its power to reopen the dialogue aimed at putting an end to the conflict in Chiapas. In that connection, the Sub-Commission, as a body of experts, should offer its good services to the signatories of the San Andrés accords. It should also request the Secretary-General to keep it informed of developments in the situation at its next session and decide to keep the issue under review with an eye to taking the steps it might consider appropriate to promote and protect human rights and fundamental freedoms in Mexico.

77. Mr. PRADHIR TALUKDER (Asian Buddhist Conference for Peace) said there were few examples of successful peace processes between Governments and indigenous peoples. In Nagaland, India, the authorities had had to impose a curfew after three Buddhist monks had been murdered by extremists. Security and the human rights situation in that State had thus not improved.

78. In Bangladesh, the Chittagong Hill Tracts Peace Agreement between the Government and the Jana Samhati Samiti (JSS) could not, basically, be implemented because of a lack of cooperation by the local and central authorities. Opponents of the agreement had murdered 23 members of the JSS and kidnapped more than 100 others. The presence of thousands of members of the security forces, who had recently killed five innocent indigenous people, and of 400,000 settlers continued to pose a serious threat to peace in the region. The Government of Bangladesh and the international community should ensure that the provisions of the agreement he had mentioned were respected so that a lasting peace could be established.

79. Mr. VARELA (American Association of Jurists) said that, since 1941, the United States Navy had been using Vieques Island, Puerto Rico, for military manoeuvres, to the detriment of the island's economy and its inhabitants' health. In particular, it used ammunition containing uranium, plutonium, heavy metals and other dangerous substances during its shelling activities. Vieques Island had the highest cancer rate of any of the islands in the Puerto Rican archipelago. The child mortality rate there was also high.

80. Thus, the United States Government was not only violating the right to self-determination of the Puerto Ricans, it was also depriving some of them of their natural resources and means of subsistence. It was worth pointing out in that connection that, two weeks previously, the Special Political and Decolonization Committee of the United Nations had adopted a resolution recommending that the General Assembly should consider the situation of the people of Vieques in the context of resolving the outstanding colonial problem of Puerto Rico.

81. After suspending its military manoeuvres at Vieques for over a year following the death of an inhabitant caused by the explosion of one of the bombs it had used, the United States Navy had resumed them despite the peaceful opposition of demonstrators, many of whom had been arrested and locked up in federal prisons in the United States.

82. His organization requested the Sub-Commission to recommend to the Commission on Human Rights that the Special Rapporteur on toxic waste should visit Vieques to study the situation there. He also asked the Sub-Commission to condemn the United States military manoeuvres at Vieques.

83. Mr. OZDEN (Centre Europe Tiers-Monde) said that his organization was deeply concerned at the persistence of serious human rights violations in Turkey. On 24 February 2000, 16 members and leaders of the pro-Kurdish People's Democracy Party (HADEP) had been sentenced to three years and nine months in prison for supporting the Kurdish Workers Party (PKK). On 1 June 2000, the same court had sentenced the President of HADEP to one year in prison for "separatist propaganda". On 21 February 2000, three mayors of towns in Turkish Kurdistan, Mr. Feridun Celik, Mr. Mehmet Selim Özalp and Mr. Feyzullah Karaaslan, had been arrested. Released a week later, they stated that they had been tortured during their detention. They had been charged with carrying out activities in coordination with the PKK, and faced a possible seven-year prison sentence.

84. On 12 May 2000, the Diyarbakir branch of the Turkish Human Rights Association (IHD) had been closed, together with the Women's Cultural Centre in Dicle and the Meteris Cultural Centre in Diyarbakir. A Turkish-Kurdish dictionary had been seized 10 days after it was published, on the order of the Governor of Batman, on 18 June 2000. On 5 July 2000, the intervention by security forces in Burdur prison had left 61 prisoners seriously injured. Not only had the injured received no medical care, they had also been subjected to torture for several days. According to a survey of around 200 female prisoners, 85 per cent of them had been sexually abused. In the previous year, IHD had recorded 199 summary executions of detainees and 32 disappearances.

85. In the light of that situation, his organization requested the Sub-Commission to recommend that the Commission on Human Rights adopt a resolution on Turkey at its fifty-seventh session.

86. Mr. BENGOA said that many Latin American countries where systematic and widespread violations of human rights had been committed under various dictatorships in the 1970s and 1980s, were hesitating between justice and impunity. The choice they made would have serious repercussions on the future of the peoples of Latin America.

87. Some countries, like Colombia, were plagued by generalized violence. The Sub-Commission should question the effectiveness of the machinery set up to deal with that situation in the shape of a local branch of the Office of the High Commissioner for Human Rights (OHCHR), which was nevertheless considered more useful than a special rapporteur.

88. As Mr. Diaz Uribe had said in the past, when it came to human rights, international pressure should not come solely from the great Powers, whose complex geopolitical interests had little to do with core human rights issues, as shown by the United States intervention aimed at controlling narcotics production and trade. That was why the Sub-Commission needed to focus its discussions on a review of the human rights mechanisms.

89. At the beginning of the 1990s, the signing of the Viña del Mar Agreement, in which the countries of Latin America affirmed their commitment to democracy, had seemed to mark the beginning of a new phase for the continent which, it was thought, was about to enjoy a period of prosperity thanks to economic opening-up and democracy. It was quickly realized that things were not that simple. The States had been strongly affected by globalization. Some had managed to establish new forms of democracy. Others, like Mexico, had faced a certain amount

of unrest. It was to be hoped that Mexico's new Government would be able to implement the San Andrés accords, release the indigenous prisoners, consolidate freedoms, demilitarize the areas inhabited by indigenous peoples and establish a new relationship between the State and those peoples.

90. In Peru, observers from the Organization of American States (OAS) had expressed reservations about the electoral process leading up to the re-election of President Fujimori. It was also a matter of concern that a large number of Peruvians were forced for various reasons to emigrate in very difficult circumstances. The full enjoyment of human rights could not be guaranteed unless there was a transparent democratic system in place.

91. Generally speaking, widespread and systematic violations of human rights in many Latin American countries had given way to what could be called "low-intensity" violations affecting individuals or certain social groups such as indigenous people. Changes to the 1503 procedure had deprived the Sub-Commission of a tool for studying such cases. It would therefore need to reflect on mechanisms it could set up to remedy that situation.

The meeting rose at 1 p.m.